

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL MONTGOMERY,

Plaintiff

v.

WAL-MART STORES, INC.; KINDERHOOK INDUSTRIES II, L.P.;  
KINDERHOOK INDUSTRIES, L.L.C.; KINDERHOOK CAPITAL  
FUND II, L.P.; CRESTWOOD HOLDINGS, INC.; BERGAN, L.L.C.;  
JOHN ELMBURG; ROBERT ELMBURG; ERIC ELMBURG; ROCKY  
FLICK; HOME DEPOT U.S.A., INC. AND DOES 1 THROUGH 20,  
INCLUSIVE,

Defendant

Civil Action No. 12CV3057-L-WVG

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Robert Elmburg, 3025 South Birmingham Place, Tulsa, OK 74008

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David L. Shain  
1050 South Kimball Road  
Ventura, CA 93004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

W. Samuel Hamrick, Jr.

CLERK OF COURT

Date:

12/26/12

S/ C.Lopez

Signature of Clerk or Deputy Clerk



**RETURN OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of California**

Case Number: 12CV3057LWVG

Plaintiff/Petitioner:

**MICHAEL MONTGOMERY**

vs.

Defendant/Respondent:

**WAL-MART STORES, INC., et al.**

Received by HPS Process Service & Investigations, Inc. to be served on **Robert Elmburg, 3025 South Birmingham Place, Tulsa, OK 74008.**

I, **MICHAEL FAHNESTOCK**, do hereby affirm that on the **2nd day of February, 2013 at 9:17 pm, I:**

INDIVIDUALLY SERVED the within named person with a true copy of this **Summons in a Civil Action; Complaint for: 1) Strict Liability, 2) Negligence, 3) Breach of Warranty, 4) Misrepresentation, 5) Violations of the Consumer Product Safety Act, 6) Negligence Pre Se, 7) Piercing the Corporate Veil and Joint Enterprise Liability; 8) Piercing the Corporate Veil; 9) Fraudulent Conveyance, 11) Strict Liability Design Defect, 12) Duty to Warn; Civil Cover Sheet; and Notice of Electronic Filing** at the address of **3025 South Birmingham Place, Tulsa, OK 74008.**

I am over the age of eighteen, and have no interest in the above action.

  
**MICHAEL FAHNESTOCK**  
Process Server

**HPS Process Service & Investigations, Inc.**  
**www.hpsprocess.com**  
**1669 Jefferson**  
**Kansas City, MO 64108**  
**(800) 796-9559**  
Our Job Serial Number: HAT-2013002690